AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/729,915

REMARKS

Applicants and their representative thank the Examiner and his Supervisor for courtesies extended during the telephonic interview. The Examiner is invited to call the undersigned to further discuss any other issues that may help expedite prosecution of this Application.

Prior to this amendment Claims 1-26 were pending. The Office Action rejected Claims 1-2, 11, 12, 16 and 17 under 35 USC 102(b) as being anticipated by Platt et al. (US 6,993,532). The Office Action further rejected Claims 4-7, 13-15, 18, and 20-22 under 35 USC 103(a) as being anticipated by Platt et al. (US 6,993,532) in view of Foote (Foote, "Automatic Audio Segmentation..."). Claims 3, 9, 19 and 24 were objected to as being dependent on a rejected base claim. Claim 26 was rejected without explanation. By this amendment, Claims 1-5, 7-12, 14, 16-21, 23, 25, and 26 are amended and Claims 27-29 are added. Hence Claims 1-29 are pending in this application. No new matter is added.

Claim Rejections – 35 USC § 102.

I.   Neither Platt nor Foote Anticipate Amended Independent Claims 1, 11, 16 and 26 Under 35 USC § 102.

Amended independent Claims 1, 11, 16 and 26 generally include a limitation of a "value of a clustering sensitivity parameter" for obtaining a similarity value to analyze meta-data. The examiner cites Platt as teaching "inputting at least one parameter value as a seed item input" parameter of descriptive metadata and "dividing at least some of the data files into groups based on the extracted meta-data elements and the input parameter value."

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Applicants respectfully point out that the instant claims comprise a parameter that is a

clustering sensitivity parameter. The clustering sensitivity parameter is not a seed item

parameter of descriptive metadata. The instant application teaches similarity between metadata

pairs depending on the clustering sensitivity parameter. The instant clustering sensitivity

parameter has a function that is completely different from the seed parameter taught by Platt.

Rather than being a seed item parameter descriptive of metadata, the clustering sensitivity

parameter is for evaluating a similarity value. Therefore, applicants respectfully submit that, at

least for this limitation, all of the independent claims are patentable over Platt or Foot or

Schwanke because none of these references anticipate having a clustering sensitivity parameter,

inputting a value of a clustering sensitivity parameter, or finding groups or structures based on a

clustering sensitivity parameter.

Claim Rejections – 35 USC § 103

**II.   Platt, Foote, or Schwanke and any Combination Thereof Do Not Render Amended
Claim 16 Unpatentable Under 35 USC § 103.**

The Examiner rejected Claim 16 as being unpatentable over the combination of Platt and

Foote and in further view of Schwanke. However, as detailed in Section I above, Platt does not

teach a clustering sensitivity parameter. Also, although Foote teaches a measure of the similarity

between feature vectors, he does not teach a similarity that comprises a clustering sensitivity

parameter nor does Foote teach any clustering sensitivity parameter. Also, Schwanke makes no

reference to a clustering sensitivity parameter. Hence neither Platt, Foote nor Schwanke, alone or

in combination teach a clustering sensitivity parameter.

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III.   Dependent Claims 2-10, 12, 15, 17-25, and 27-29 are Allowable for the Reasons Enumerated in Sections I and II Above.

Claims 2-10 include all of the limitations of Claim 1. Since Claim 1 is believed to be unanticipated and not obvious for the reasons enumerated above, it is respectfully submitted that dependent Claims 2-10 and 27-29 are also allowable.

Similarly, it is believed that Claims 11 and 16 are allowable for the reasons set forth in Sections I and II. Hence Claims 12-15 are allowable at least because they include all of the limitations of Claim 11. As well, Claims 17-25 are allowable at least because they include all of the limitations of Claims 16.
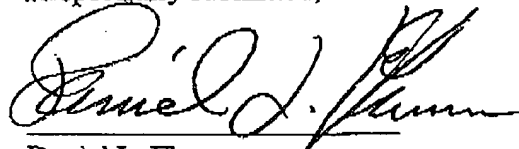
IV.   Conclusion.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue

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overpayments to said Deposit Account.

Respectfully submitted,

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Date: August 24, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this AMENDMENT UNDER 37 C.F.R § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 24th day of August, 2006.
Monica Moreno

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